

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

2020 NOV 30 PM 2: 20

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ALPS PROPERTY AND CASUALTY
INSURANCE COMPANY,

Plaintiff,

v.

UNSWORTH LAPLANTE PLLC, and
SETH SHERMAN, Individually and as
Executor of the Estate of Constance
Sherman,

Defendants.


Case No. 5:20-cv-101

ORDER ON POTENTIAL CERTIFICATION

The court proposes to certify the following question to the Vermont Supreme Court pursuant to V.R.A.P. 14(a): “Does the notice-prejudice rule as stated in *Cooperative Fire Insurance Association of Vermont v. White Caps, Inc.*, 166 Vt. 355, 694 A.2d 34 (1997), apply to claims-made policies in addition to occurrence policies?”

The court allows the parties until December 15, 2020 to submit any objection or other response. A draft order is attached. The court would appreciate hearing whether the parties have any objection to dividing the responsibility for the fees required by V.R.A.P. 3(b)(1) on the following basis: 50% to ALPS, 50% to the Unsworth LaPlante law firm.

Dated at Burlington, in the District of Vermont, this 30th day of November, 2020.


Geoffrey W. Crawford, Chief Judge
United States District Court